



#36
Docket No.: 3553-4010US4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

MAR 29 2001

Technology Center 2100

Applicant(s) : Jay S. Walker et al.

Serial No : 09/058,840

Filed : April 13, 1998

For : METHOD AND APPARATUS FOR A COMMERCIAL NETWORK
SYSTEM DESIGNED TO FACILITATE BUYER-DRIVEN
CONDITIONAL PURCHASE OFFERS

Art Unit : 2166

Examiner : J. Parisi

*Terminal Disclaimers 10/17/03
ATM*

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Identity of Assignee

The petitioner, priceline.com Incorporated, having a business address at 800 Connecticut Avenue, Norwalk, CT 06854 is the owner of the entire right, title and interest in the above-identified application, Serial No. 09/058,840, and US Patent No. 5,794,207. ✓

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Walter G. Hanchuk of Morgan & Finnegan, 345 Park Avenue, New York, NY 10154. Disclaimant represents that he is a Registered Patent Attorney, Registration No. 35,179, and an Attorney of Record for the above identified application, and authorized to sign on behalf of the assignee identified above.

Extent of Interest

The extent of assignee's interest is in the whole of this invention.

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Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer in View of Prior US Patent

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,794,207. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

Terminal Disclaimer
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statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

- ☒ other than a small entity--fee \$110.00
☐ small entity \$55.00

Fee Payment

- ☒ Attached is a check in the sum of \$110.00.
☐ Charge Deposit Account 13-4500, Order No. 3553-4010US4 any fee required by this paper.
☐ Charge Account 13-4500, Order No. _____ the sum of _____..

AUTHORIZATIONS:

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 13-4500, Order No. 3553-4010US4.

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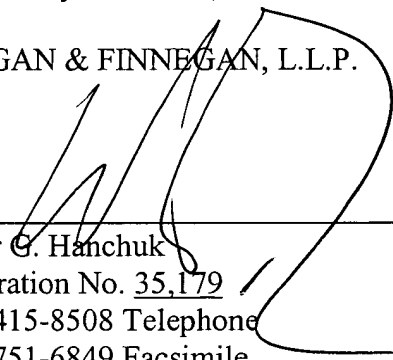
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A DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: March 19, 2001

By: 
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